

2008 BCSECCOM 555

Reciprocal Order

Richard George Kearl, James Albert Jeffery and Thomas Edward Repke

Section 161(1) of the *Securities Act*, RSBC 1996, c. 418

Introduction

- ¶ 1 This is an order under sections 161(1) and 161(6)(c) of the *Securities Act*, RSBC 1996, c.418.

Background

- ¶ 2 Richard George Kearl, James Albert Jeffery and Thomas Edward Repke are subject to orders made by the Alberta Securities Commission imposing sanctions on them in a decision rendered August 13, 2008 in *Kearl, Re*, 2008 ABASC 491.

Order

- ¶ 3 After providing Kearl an opportunity to be heard, and considering it to be in the public interest, we order:
1. under section 161(1)(c) of the Act, that the exemptions described in sections 44 to 47, 74, 75, 98 and 99 of the Act do not apply to Kearl until August 13, 2010, except that Kearl may rely on the exemption in section 45(2)(7) of the Act to trade securities for his own account through a registrant, if he gives the registrant a copy of this decision;
- ¶ 4 After providing Jeffery an opportunity to be heard, and considering staff's and Jeffrey's submissions, and considering it to be in the public interest, we order:
1. under section 161(1)(c), that the exemptions described in sections 44 to 47, 74, 75, 98 and 99 do not apply to Jeffery, except that Jeffery may rely on the exemption in section 45(2)(7) of the Act to trade securities for his own account through a registrant, if he gives the registrant a copy of this decision,
 2. under section 161(1)(d)(i) and (ii), that Jeffery resign any position he holds as, and is prohibited from becoming or acting as, a director or officer of any issuer, registrant or investment fund manager,
 3. under section 161(1)(d)(iii), that Jeffery is prohibited from becoming or acting as a registrant, investment fund manager or promoter,

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4. under section 161(1)(d)(iv), that Jeffery is prohibited from acting in a management or consultative capacity in connection with activities in the securities market, and
5. under section 161(1)(d)(v), that Jeffery is prohibited from engaging in investor relations activities,

until August 13, 2013;

¶ 5 After providing Repke an opportunity to be heard, and considering staff's and Repke's submissions, and considering it to be in the public interest, we order:

1. under section 161(1)(c), that the exemptions described in sections 44 to 47, 74, 75, 98 and 99 do not apply to Repke, except that Repke may rely on the exemption in section 45(2)(7) of the Act to trade securities for his own account through a registrant, if he gives the registrant a copy of this decision,
2. under section 161(1)(d)(i) and (ii), that Repke resign any position he holds as, and is prohibited from becoming or acting as, a director or officer of any issuer, registrant or investment fund manager,
3. under section 161(1)(d)(iii), that Repke is prohibited from becoming or acting as a registrant, investment fund manager or promoter,
4. under section 161(1)(d)(iv), that Repke is prohibited from acting in a management or consultative capacity in connection with activities in the securities market, and
5. under section 161(1)(d)(v), that Repke is prohibited from engaging in investor relations activities,

until August 13, 2013.

¶ 6 October 22, 2008

¶ 7 **For the Commission**

Brent W. Aitken
Vice Chair

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Bradley Doney
Commissioner